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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,552	08/06/2001	Philip John Martin	PJM-US	7073

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EXAMINER	
NGUYEN, PHUNG	
ART UNIT	PAPER NUMBER
2632	

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/921,552	MARTIN, PHILIP JOHN	
	Examiner	Art Unit	
	Phung T Nguyen	2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 August 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *64-77* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *64-77* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *6*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 64-69, and 73-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yarnall, Sr. et al. (U.S. Pat. 5,769,032) in view of Eagleson et al. (U.S. Pat. 5,793,290).

Regarding claim 64: Yarnall, Sr. et al. disclose method and apparatus for confining animals and/or humans using spread spectrum signals comprising an activation/deactivation control device; and a transmitter coupled to the control device; the tag being configured to upon activation, start transmitting (col. 10, lines 18-22); the tag receiver comprising a receiver for receiving transmissions from the tag; a detector, coupled to the receiver, for detecting a reduction in the strength of signal received from the tag and an alarm device, coupled to the detector, for providing a user alert when a reduction in signal strength is detected (col. 9, lines 57-62, col. 10, lines 17-22, and col. 12, lines 38-45). Yarnall, Sr. et al. do not disclose the deactivation signal. However, using the deactivation signal to disarm the alarming system is old and well known in the art as taught by Eagleson et al. (col. 8, lines 14-29, and col. 10, lines 46-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teaching of Eagleson et al. in the system of Yarnall, Sr. et al. because they both teach a personel monitoring system for detecting movement of a person or object from a restricted area.

It is seen that the teaching of using the deactivation signal of Eagleson et al. would enhance the system of Yarnall, Sr. et al. by permitting removal or changes in the tag unit.

Regarding claim 65: Eagleson et al. inherently disclose wherein the deactivation signal comprising at least one pulse (col. 12, lines 33-40).

Regarding claim 66: Yarnall, Sr. et al. disclose wherein the detector detects a reduction to a threshold level in the strength of signal received from the tag (col. 9, lines 59-62).

Regarding claim 67: Yarnall, Sr. et al. disclose wherein the detector detects a rate of reduction in the strength of signal received from the tag (col. 9, lines 62-67, and col. 10, lines 1-12).

Regarding claim 68: Yarnall, Sr. et al. disclose wherein the tag is a radio frequency tag providing an rf output modulated by a baseband signal (col. 3, lines 30-34). Yarnall, Sr. et al. and Eagleson et al. do not disclose the half power bandwidth of the rf output is at least ten times the half power bandwidth of the baseband signal as claimed. Since, Yarnall, Sr. et al. teach the use of the baseband signal, it would be obvious to the skilled artisan to have the half power bandwidth of the rf output is at least ten times the half power bandwidth of the baseband signal if desired.

Regarding claim 69: Yarnall, Sr. et al. disclose wherein the tag transmitter is a spread spectrum transmitter (col. 3, lines 30-34).

Regarding claim 73: Yarnall, Sr. et al. inherently disclose wherein the transmitter, when activated, transmits an rf signal modulated by a tone (col. 15, lines 11-21).

Regarding claim 74: Eagleson et al. et al. disclose wherein the control device comprising an orientation-operated switch (col. 10, lines 59-62).

Regarding claim 75: All the claimed subject matter is already discussed in respect to claims 64, 69, and 74 above.

Regarding claim 76: Refer to claim 70 above.

Regarding claim 77: Yarnall, Sr. et al. disclose wherein the receiver having a first receiving antenna and a received signal strength indicator (fig. 17, col. 12, lines 38-45).

3. Claims 70-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yarnall, Sr. et al. in view of Eagleson et al. and further in view of Naden et al. (U.S. Pat. 5,999,561).

Regarding claim 70: Yarnall, Sr. et al. disclose wherein the tag transmitter is a spread spectrum transmitter (col. 3, lines 30-34). Yarnall, Sr. et al. and Eagleson et al. do not teach wherein the spread spectrum transmitter is a direct sequence spread spectrum (DSSS) transmitter. However, Naden et al. disclose direct sequence spread spectrum method, computer-based product, apparatus and system tolerant to frequency reference offset including the DSSS transmitter (col. 1, lines 39-48). Therefore, it would have been obvious to one of ordinary skill in the art to use the conventional DSSS transmitter in the system of Yarnall, Sr. et al. and Eagleson et al. because using the spread spectrum transmitter makes tag transmissions hard to detect unless the spreading code is known.

Regarding claim 71: Yarnall, Sr. et al. disclose wherein the tag transmitter is a spread spectrum transmitter (col. 3, lines 30-34). Yarnall, Sr. et al. and Eagleson et al. do not teach wherein the spread spectrum transmitter is a frequency hopping spread spectrum transmitter. However, Naden et al. disclose direct sequence spread spectrum method, computer-based product, apparatus and system tolerant to frequency reference offset including the frequency

hopping spread spectrum transmitter (col. 2, lines 7-22). Therefore, it would have been obvious to one of ordinary skill in the art to use the conventional frequency hopping spread spectrum transmitter in the system of Yarnall, Sr. et al. and Eagleson et al. because using the spread spectrum transmitter makes tag transmissions hard to detect unless the spreading code is known.

Regarding claim 72: Yarnall, Sr. et al. and Eagleson et al. do not teach wherein the frequency hopping spread spectrum transmitter operates substantially consistently with at least version 1.0 of the Bluetooth standard. However, it would be an obvious to the skilled artisan to use the frequency hopping spread spectrum transmitter operates substantially consistently with at least version 1.0 of the Bluetooth standard as needed. Plus the consideration of claim 71 above.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Issacman et al. [U.S. Pat. 6,127,928] disclose method and apparatus for locating and tracking documents and other object.

b. Welch [U.S. Pat. 6,075,442] discloses low power child locator system.

c. Tosenthal et al. [U.S. Pat. 5,223,815] disclose portable anti-theft device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung Nguyen whose telephone number is 571-272-2968. The examiner can normally be reached on Monday to Friday from 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu, can be reached on 571-272-2964. The fax phone number for this Group is (703) 305-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is 571-272-2600.

Phung Nguyen

Date: December 23, 2004